

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALPHA INVESTMENT, LLC,

Plaintiff,

No. C 11-03500 JSW

v.

ZYNGA, INC. and ANDREW TRADER,

Defendants.

**ORDER REQUIRING FURTHER
BRIEFING AND CONTINUING
HEARING AND CASE
MANAGEMENT CONFERENCE**

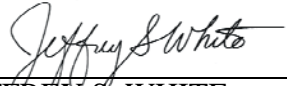
On February 2, 2012, Andrew Trader (“Trader”) filed an *ex parte* request for the Court to take judicial notice of the fact that the stock of defendant Zynga, Inc. (“Zynga”) has been publicly traded since December 16, 2011. On February 3, 2012, plaintiff Alpha Investment, LLC (“Alpha”) filed a response to the *ex parte* request, noting their opposition to the position that their requested mandatory injunction is affected by the fact that Zynga stock is now publicly traded. Now that Zynga’s stock is publicly traded, it appears as though the restrictions on its transfer as set forth in the agreements at issue in this action are no longer applicable. Moreover, it appears as though an injunction requiring specific performance under these agreements is no longer required or even possible. However, this change in facts does not appear to preclude Alpha from obtaining damages caused by any alleged breaches of these agreements.

The Court HEREBY DIRECTS the parties to file further briefing to address the impact of fact that Zynga’s stock is now publicly traded on the requested injunction. By February 13, 2012, Zynga and Trader shall file further briefs of no longer than five pages to address this issue. Alpha may file a response of no more than ten pages combined by no later than February

21, 2012. Zynga and Trader may file a reply of no longer than five pages by February 27, 2012. The Court CONTINUES the hearing on Zynga's and Trader's motions to dismiss, as well as the hearing on Trader's motion to intervene, to March 16, 2012 at 9:00 a.m. and the case management conference to March 30, 2012 at 1:30 p.m.

IT IS SO ORDERED.

Dated: February 6, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE